

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

THE ROCKPORT COMPANY, LLC,

Plaintiff,

v.

E.S. ORIGINALS, INC.,

Defendant.

Civil Action No. 04-12714-WGY

**DEFENDANT'S CERTIFICATION PURSUANT TO LOCAL RULE 16.1(D)(3)**

Defendant's counsel and Defendant's authorized representative affirm, pursuant to Local Rule 16.1(D)(3), that they have conferred with a view to establishing a budget for the costs of conducting the full course - and various alternative courses - of the litigation. They further affirm they have conferred and considered the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

/s/ James J. Foster

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